

24 June 1981

SUBJECT: Revision of EO 12065

REFERENCE: Memo fm OGC dtd 18 June 1981, same subject
(OGC 81-05127) (DD/A 81-0300/6)

1. The Office of Data Processing has reviewed the proposed changes to Executive Order 12065 and has the following recommendations and comments keyed to section numbers in the revision.

2. The preamble in the original EO 12065 is clearer and more direct. We recommend that the original wording be retained.

3. In Section 1-204 para. (a), (b) and (c) contain the phrase "Authority to originally classify information." Regardless of the current trend to split infinitives, we prefer the phrase used in the original EO 12065, "Authority for original classification of information."

4. In Section 1-204 para. (f), the addition to the first sentence of the phrase, "required to exercise such authority to effectively and efficiently administer this Order," adds nothing to the original sentence and should be deleted. In sentence two of the same paragraph we recommend the substitution of the phrase, "officials possessing delegations," for the phrase, "officials so designated," because "so designated" does not refer back to anything.

5. In Section 1-303, the addition of the sentence, "The classification status of the above described information shall not be affected by any unofficial publication in the United States or abroad of identical or similar information." is excellent. But it should not be limited to foreign government information. We recommend that this caveat be made more global so as to apply to all categories of classified information.

6. We recommend that a default time limit of 20 years be added to Section 1-401 for classified information that is not explicitly marked otherwise.

7. We recommend the addition of Section 2-202 to read as follows:

"Classification guides shall be approved in writing by an official possessing original TOP SECRET classification authority. Such approval constitutes an original classification decision."

8. We view with grave concern the elimination of Section 4-4 from the original EO 12065. We recognize the difficulty in controlling the reproduction of classified information, but we do not believe that the revision should remain mute on this issue, especially for TOP SECRET information.

9. Section 6-1 should contain a definition of the phrases, "original classification," and "derivative classification." These phrases are key to understanding the Executive Order but are not defined in the original or the proposed revision.

10. Questions regarding these comments and recommendations may be directed to [redacted]

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